



PATENT
Docket No. 459992000700

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Tatiana Alcaraz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Benjamin D. PLESS

Serial No.: 09/543,264

Filing Date: April 5, 2000

For: NEUROSTIMULATOR INVOLVING
STIMULATION STRATEGIES AND
PROCESS FOR USING IT

Examiner: R. Bradford

Group Art Unit: 3762

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RESPONSE TO OFFICE ACTION UNDER 37 C.F.R. §1.111

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

This is in response to the Office Action dated April 24, 2002, (Paper No. 8) for which a response was due on July 24, 2002 and for which a three (3) month extension of time is also requested to extend the time for response from July 24, 2002 to October 24, 2002.

Claims 1-14, 18-22, 41-53, and 58-61 were rejected variously under 35 U.S.C. §112, second paragraph and under 35 U.S.C. §102. Claims 1 to 81 were originally filed in this application.

Applicant would first like to request clarification regarding the status of the pending claims in the application since several inconsistencies exist between the Examiner's Detailed Action and the Office Action Summary.

First, the Office Action Summary notes that claims 23-40 and 62-81 have been withdrawn from consideration as drawn to a non-elected invention. However, on page 2, paragraph 3 of the Examiner's Detailed Action, the Examiner notes that claims 23-40 and 66-81 have been withdrawn from consideration. In addition, despite having been withdrawn from consideration, the Office Action has considered and rejected them under 35 U.S.C. §112 and/or 35 U.S.C. §102.

Second, the Office Action has failed entirely to comment on the status of claims 15-17 and 54-57 in the Office Action Summary and claims 16-17 and 54-56 in the Examiner's Detailed Action. The Office Action must comment on the status of each and every claim filed in the application, *see* MPEP §707.07(i). Clarification is requested.

In this Response, claims 1-5, 9-15, 18-20, 22, 24-29, 33-38, 41-44, 46-49, 51, 54, 57, 58, 60, 62-66, 69, 70, 72-74, 77 and 81 have been amended. No new matter has been added. In view of the foregoing, Applicant considers claims 1-81 to be under consideration. Reconsideration and allowance is hereby respectfully requested.